

QUESTIONS AND ANSWERS # 3
Request for Proposals
Energy Technical Services Provider
For the Maryland Energy Administration
PROJECT NO. DEXR3400002
May 10, 2013

Ladies/Gentlemen:

This List of Questions and Answers #3, questions #18 through #22, is being issued to clarify certain information contained in the above named RFP. The statements and interpretations of Contract requirements which are stated in the following questions of potential Offerors, are not binding on the State, unless the State expressly amends the RFP. Nothing in the State's responses to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor asking the question as to what the contract does or does not require. However, if from a particular vendor question(s), it seems as if the vendor has misinterpreted RFP wording referenced in a question, the State's response typically will point out the misinterpretation as part of the answer to the question.

18. A minimum overall Minority Business Enterprises subcontractor participation goal of 25% of the total contract dollars has been established for the proposed work. As requested in Attachment D we will "commit[s] to make a good faith effort to achieve the goal". However, the proposed work will be task order driven and neither the contract amount nor the expected scope of work will be known at the time of proposal submission. Can you provide any further guidance as to how a contractor can best provide assurances as to our intent to meet the requested MBE goal?

STATE RESPONSE:

Since the work is task order driven, the MEA is unable to instruct Offerors on exactly how to meet the overall MBE goal or MBE sub-goals. Each Offeror must develop their own strategy for meeting the MBE requirements of the RFP. When developing the proposed project team, potential Offerors may want to consider selecting partner MBE firms that can work in multiple subject matter areas defined in the RFP, in order to enable flexibility as the contract progresses.

Throughout the contract term, MEA will monitor the Prime Contractor Paid/Unpaid MBE Invoice Report (Attachment D-4) and the Subcontractor Paid/Unpaid MBE Invoice Report (Attachment D-5) on a monthly basis. MEA recommends that the successful Offeror consider developing a parallel process to self-monitor ongoing achievement towards the MBE and MBE sub-goals, enabling the Offeror to proactively take corrective actions to bring the contract back into compliance with the committed MBE participation goals, when necessary.

19. A project staff member is currently working on a special project that might appear to have a conflict of interest. We do not believe that this represents a conflict of interest, but we wish to confirm that with the MEA before we proceed to submit a proposal.

STATE RESPONSE:

The MEA will not prejudice any individual that may or may not be included in a proposal that may or may not have a conflict of interest. It is the Offeror's responsibility to provide the MEA with all necessary information and detail of the staff member's role and responsibilities that the Offeror believes might appear to be a conflict as part of the Offeror's proposal.

Attachment I of the RFP provides the definition of "Conflict of Interest" as ".... that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the State, or the person's objectivity in performing the contract work is or might be otherwise impaired, or ***a person has an unfair competitive advantage*** (emphasis added)." Attachment I also provides a definition of "Person" and has a Section D that will allow an Offeror to disclose necessary details to help the MEA determine whether an actual or potential conflict does exist or might appear to exist, once an Offeror's response has been submitted to MEA.

For any facts and circumstances related to a potential conflict of interest that get disclosed in Section D of Attachment I, should MEA determine that a conflict does exist or appears to exist, the MEA will then inform the Offeror of what action will be taken. Possible action could include accepting the individual, rejecting the individual, or in more significant cases, potentially rejecting the Offeror.

20. At what point would our proposal become a public document? Is it only once MEA's selection has been made?

STATE RESPONSE:

The MEA will comply with Public Information Act, Title 10, Subtitle 6, Part III of the State Government Article of the Annotated Code of Maryland. Documents related to an active competitive proposal procurement would potentially become available upon award of a contract for the specified competitive sealed proposal procurement. Further certain information as permitted under the law would be withheld if, in the opinion of the procurement officer, the release of such information may be confidential or proprietary information or is a trade secret.

21. When does MEA expect to make a decision on the team to be selected?

STATE RESPONSE:

While MEA intends to make an award as soon as possible, the actual award depends on the number of proposals received, the amount of effort necessary to review those proposals, the necessary time to conduct written communications with Offerors, the time necessary to have any discussions with qualified Offerors, the timeliness of receiving all relevant materials from each Offeror during the evaluation phase and scheduling the actual award. An award could potentially be made as early as July but may also take longer, based on the factors described above.

22. Is there any way for the any portion of the document, e.g., the identity and resume of our new staff person, to remain confidential?

STATE RESPONSE:

All information submitted to the MEA as part of a proposal will remain confidential until such time as the actual award is made. Individual resumes with personally identifiable information are generally withheld from public release. Please review RFP Section 1.19 to see how information deemed by the Offeror to be confidential should be identified to MEA in the Offeror's proposal.

Should you require clarification of the information provided, please contact me via e-mail or (410) 260-7752 as soon as possible.

Date Issued: May 10, 2013

By: _____
Maria Ulrich
Procurement Officer